

**Security Council**

Distr.: General  
30 July 2002  
English  
Original: English and French

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**Draft resolution**

*The Security Council,*

*Recalling* all its previous resolutions on Western Sahara, in particular resolution 1359 (2001) of 29 June 2001 and resolution 1394 (2002) of 27 February 2002,

*Stressing* that in view of lack of progress in the settlement of the dispute over Western Sahara the search for a political solution is critically needed,

*Concerned* that this lack of progress continues to cause suffering to the people of Western Sahara, remains a source of potential instability in the region and obstructs the economic development of the Maghreb region,

*Reaffirming* its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which would be of benefit to the Maghreb region,

*Seeking* to alleviate the consequences of conflict in Western Sahara, and accordingly to secure the immediate release of prisoners of war and other detainees, to establish the fate of persons unaccounted for, and to repatriate refugees,

*Determined* to secure a just, lasting and mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations,

*Expressing* continuing full support for the role and work of the Secretary-General and his Personal Envoy,

*Commending* the parties for their continuing commitment to the ceasefire and welcoming the essential contribution which the United Nations Mission for the Referendum in Western Sahara (MINURSO) is making in that regard,

*Having considered* the report of the Secretary-General of 19 February 2002 (S/2002/178) and the four options contained therein,

*Underlining also* the validity of the Settlement Plan, while noting the fundamental differences between the parties in implementing the Plan,

*Noting also* the fundamental differences with regard to the four options contained in the report of the Secretary-General of 19 February 2002,



1. *Continues* to support strongly the efforts of the Secretary-General and his Personal Envoy to find a political solution to this long-standing dispute, invites the Personal Envoy to pursue these efforts taking into account the concerns expressed by the parties and expresses its readiness to consider any approach which provides for self-determination that may be proposed by the Secretary-General and the Personal Envoy, consulting, as appropriate, others with relevant experience;
  2. *Calls upon* all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy;
  3. *Calls upon* the parties to collaborate with the United Nations High Commissioner for Refugees (UNHCR) in the implementation of confidence-building measures, and urges the international community to provide generous support to UNHCR and the World Food Programme in order to help them overcome the deteriorating food situation among the refugees;
  4. *Calls upon* Morocco and the Polisario Front to continue to cooperate with the efforts of the International Committee of the Red Cross to resolve the problem of the fate of all those unaccounted for since the beginning of the conflict;
  5. *Welcomes* the release of 101 Moroccan prisoners of war, and calls upon the Polisario Front to release without further delay all remaining prisoners of war in compliance with international humanitarian law;
  6. *Decides* to extend the mandate of MINURSO until 31 January 2003;
  7. *Requests* the Secretary-General to provide a report on the situation before the end of the present mandate that contains any further proposal from the Secretary-General and his Personal Envoy together with recommendations pertaining to the most appropriate configuration of MINURSO;
  8. *Decides* to remain seized of the matter.
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**Security Council**

Distr.: General  
31 July 2002

Original: English

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**Letter dated 30 July 2002 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council**

Upon instructions of my Government, I have the honour to transmit herewith the statement of the Ministry of Foreign Affairs of Georgia regarding the violation of airspace and the bombing of the territory of Georgia (see annex).

I should be most grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Revaz Adamia  
Ambassador  
Permanent Representative



**Annex to the letter dated 30 July 2002 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council**

**Statement of the Ministry of Foreign Affairs of Georgia**

The Ministry of Foreign Affairs of Georgia expresses its utmost concern regarding the recent developments in the territories neighbouring the State border between Georgia and the Russian Federation.

On 29 July 2002, at approximately 3 a.m., from the territory of the Russian Federation, a helicopter illegally entered Georgian airspace and bombed summer pastures in the northern part of the village Girevi, Akhmeta District.

On the following day, 30 July 2002, at 3.30 a.m., two unidentified aircrafts, again entering from the territory of the Russian Federation, violated the Georgian airspace and conducted air strikes in the northern part of the Pankisi Gorge, near Mount Nakerala. Human losses and damages are being assessed.

The Georgian side considers that such illegal acts continue owing to non-investigation and inadequate assessment of similar actions in the recent past, despite the agreement reached at the highest political level between Georgia and the Russian Federation.

Reoccurrence of such provocations exercised by the Russian Military Forces on the territory of the sovereign State of Georgia, can only be qualified as an aggressive act against the neighbouring State.

The Georgian side draws the attention of the international community to the fact that these aggressive acts are being carried out against the backdrop of an anti-Georgian propaganda campaign launched in the Russian mass media and groundless allegations towards Georgia on behalf of certain Russian officials.

It is particularly distressing that these blatant and grave provocations are directed in contravention of the recent positive shifts in relations between the two countries, achieved due to the efforts of the Presidents of Georgia and the Russian Federation.

There are grounds to conclude that it is the aim of certain actors in the political leadership of the Russian Federation to further increase tensions by undermining positive achievements in the relations between the two countries.

The Georgian side categorically demands the immediate suspension of such provocations and their urgent joint investigation for the appropriate political evaluation.

The Ministry of Foreign Affairs of Georgia considers that the international community must give a due assessment to the violation of the airspace of Georgia and the bombing of its territories, as they constitute blatant infringement of the internationally accepted basic principles of peaceful coexistence of neighbouring countries.



**General Assembly  
Security Council**Distr.: General  
31 July 2002

Original: English

**General Assembly  
Fifty-sixth session  
Agenda items 42 and 166****Security Council  
Fifty-seventh year****The situation in the Middle East****Measures to eliminate international  
terrorism****Letter dated 30 July 2002 from the Chargé d'affaires a.i. of the  
Permanent Mission of Israel to the United Nations addressed to  
the Secretary-General**

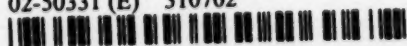
I am writing to draw your attention to the latest incidents in the ongoing campaign of Palestinian terrorism directed against the citizens of Israel.

At approximately 1 p.m. (local time) today, a suicide bomber entered a popular falafel stand on a busy street in downtown Jerusalem, detonating his explosives amongst diners. Seven civilians were wounded in the attack. It was only due to the fact that the explosive device detonated prematurely that the cost in human suffering was not greater. The bomber was identified as Majed Atta from Beit Jalla, aged 17, and a member of the Al-Aqsa Martyrs Brigade, part of Chairman Arafat's own Fatah movement, which claimed responsibility for the attack.

Earlier in the day, two brothers, Shlomo and Mordechai Odesar, were shot and killed at close range by masked Palestinian gunmen in the West Bank village of Jammai'n. The brothers, truck-drivers by profession, had come to the village to supply fuel to a local cement factory. Again, the Al-Aqsa Martyrs Brigade of Chairman Arafat's Fatah movement claimed responsibility for the attack.

Also today, at 3 a.m. (local time), a Palestinian terrorist infiltrated the community of Itamar, stabbing and seriously wounding a husband and wife while they slept in their bed. This attack comes a month and a half after the previous infiltration into Itamar, during which Palestinian terrorists killed five civilians, including a mother and her three young sons.

This list of grave terrorist attacks, perpetrated in a single day, would have been longer were it not for the efforts of Israeli security forces. In the past week alone, 12 attempted terrorist attacks have been thwarted, including several suicide bombers who have been apprehended en route to civilian areas in Israel.



The fact that Chairman Arafat's own Fatah movement continues to perpetrate and support acts of terrorism against innocent civilians should disabuse anyone of the notion that there is any genuine attempt by the current Palestinian leadership to bring an end to the ongoing Palestinian terrorist campaign. Condemnations issued to placate international audiences cannot obscure the fact that the Palestinian Authority, and its 40,000 strong police force, have failed to take any genuine measures against Palestinian terrorist groups freely operating in its territory. Known terrorist operatives continue to be granted safe harbour and free movement; illegal weapons have not been confiscated; and incitement to hatred and violence, including the glorification of suicide attacks against Israeli men, women and children, continues unabated.

It is the abject refusal of the Palestinian Authority to live up to its legal and moral obligations to end terrorism and incitement that have compelled Israel to take defensive measures to protect its civilians from gruesome daily attacks. If the Palestinian leadership were to join international efforts to comprehensively root out terrorism, rather than condone and support such acts, Israeli measures would be unnecessary.

The international community has affirmed that acts of terrorism directed at innocent civilians can never be justified and pose a serious threat to international peace and security. It is high time that the Palestinian Authority was held accountable for its involvement in these heinous crimes, which have devastating repercussions for both Israelis and Palestinians. It is the endless wave of brutal Palestinian terrorist attacks against innocent civilians, conducted with the support of the current Palestinian leadership, which undermines any prospects at a genuine dialogue aimed at achieving peace and security for both peoples.

I submit this letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism that began in September 2000.

I should be grateful if you would arrange to have the text of this letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, as well as under agenda item 42, and of the Security Council.

(Signed) Aaron Jacob  
Ambassador  
Chargé d'affaires a.i.



**Security Council**

Distr.: General

31 July 2002

Original: English

**Letter dated 29 July 2002 from the Secretary-General addressed to the President of the Security Council**

In accordance with article 4, paragraph 13, of the Peace Agreement of 12 December 2000, the Eritrea-Ethiopia Boundary Commission has transmitted to the Secretaries-General of the Organization of African Unity and the United Nations two Orders to the Parties for publication. The Orders and the transmittal letter, dated 19 July 2002, are annexed to the present letter.

I should be grateful if you could bring these orders to the attention of the members of the Security Council.

(Signed) Kofi A. Annan



**Annex**

**Letter dated 19 July 2002 from the Registrar of the Boundary Commission to the Secretary-General**

Article 4, paragraph 13 of the Agreement of 12 December 2000 between the Democratic Republic of Ethiopia and the State of Eritrea provides as follows:

“Upon reaching a final decision regarding delimitation of the borders, the Commission shall transmit its decision to the parties and Secretaries-General of the OAU and the United Nations for publication ...”.

In the spirit of the language of the 12 December 2000 Agreement, the President of the Boundary Commission has requested me to transmit to you and the Secretary-General of the Organization of African Unity the attached text of the Commission's Orders to the Parties of 17 and 18 July 2002.

**(Signed) Bette E. Shifman**  
**Registrar of the Boundary Commission**

## Enclosure 1

**ERITREA - ETHIOPIA BOUNDARY COMMISSION****ORDER OF THE COMMISSION**

(MADE PURSUANT TO ARTICLE 20 AND ARTICLE 27(1) OF THE COMMISSION'S RULES OF PROCEDURE)

**WHEREAS,**

1. By a letter dated 7 June 2002 Eritrea requested "that the Commission adopt an interim order instructing Ethiopia that it must immediately cease the settlement of its nationals into territory that has been determined by the 13 April 2002 Decision to fall within Eritrean sovereignty".
2. The locations within which Eritrea asserted that Ethiopia was settling its nationals not indigenous to the region were described by Eritrea as "the Badme area of Eritrea". An attached excerpt from a Tigrayan news broadcast referred to settlements "in Hadish Adi and Dembe Gedamu, villages around Badme" and to a welcome accorded to the settlers by "the people of Badme and its environs".
3. On 14 June 2002 Ethiopia filed a Response to Eritrea's letter of 7 June 2002. The Ethiopian Response referred to "resettlement activities in the Badme region". The Response also stated *[footnote omitted]*:

"The radio translation to which Eritrea refers says that Ethiopia is settling people in the environs of Badme and specifically in two villages, Dembe Gedamu and Hadish Adi. As indicated by the label "BADME" on the map at attachments 2 and 3 of Eritrea's letter, Badme is shown as a kebele as well as a town, and the map shows the kebele of Badme as lying on both sides of the delimitation line as depicted on the map, and, thus, the settlement of people in the environs of Badme is unremarkable.

The specific villages in which people were settled according to the radio transcript provided by Eritrea are Dembe Gedamu and Hadish Adi. The label for Dembe Gedamu depicted on the map at attachments 2 and 3 of Eritrea's letter refers to the former kebele of Dembe Gedamu, which the map shows as being on both sides of the Commission's lines depicted on the map. Conspicuously absent from Eritrea's letter is a map depicting the location of Hadish Adi. However, Eritrea did provide a map depicting the location of Hadish Adi in her judges' folders during oral argument in December, 2001. This map, which is attached at Attachment C, shows unmistakably that the village of Hadish Adi is to the east of Eritrea's claim line, lying in territory that was never in dispute. Thus, there is no basis for Eritrea's allegation that Ethiopia has been settling people in areas awarded to Eritrea in the Commission's Decision, let alone that such settlement is a scheme to affect the demarcation."

Two attachments to the Ethiopian Response referred respectively to the "Badme Sub-District" of the North Western Zone, "the disputed border area near Badme" and "the Badme sub-region". The Response further referred to Dembe Gedamu as "the former kebele of Dembe Gedamu" lying on both sides of the line delimited on 13 April 2002, and to Hadish Adi as being a village east of Eritrea's claim line.

4. On 24 June 2002 Eritrea filed a Memorandum in support of its Request in which it observed that there are several places with the name of Hadish Adi in the locality in question and stated that Eritrea cannot identify with certainty the one to which the Ethiopian radio broadcast alludes.
5. On 1 July 2002 Ethiopia filed a "Further Response to Eritrea's Request for Interim Measures", in which reference is made to a place called "Dembe Bengul".
6. Both Parties have filed copies of maps said by them to be supportive of their respective positions.
7. Eritrea has invoked Article 20 of the Commission's Rules of Procedure as justifying the issue by the Commission of an interim protective order. Ethiopia has denied the applicability of this Article.
8. In its Interlocutory Order of 7 July 2002, the Commission recalled that Article 27, paragraph 1, of the Rules of Procedure provided that "the Commission shall be entitled to make any necessary interim, interlocutory or partial decisions".
9. On its first consideration of the matter, the Commission took the view that it could not, at this stage, reach any final conclusions on the Eritrean request of 7 June 2002 without further information as to the exact location of the settlements to which that Request related.
10. Accordingly, the Commission decided in its Interlocutory Order of 7 July 2002 to send a team ("the Team") to determine by examination on the ground and from the air the exact location of the various places mentioned in the exchanges between the Parties and referred to in the recitals

to that Order and, so far as possible, the extent to which there had been movements of population in or around them since 13 April 2002. These places were:

- Badme and its environs (including "Badme sub-region" or kebele of Badme);
- Dembe Gedamu (including the kebele of Dembe Gedamu);
- Hadish Adi; and
- Dembe Bengul.

11. The Team, after visiting the places in question on 12 and 13 July 2002, submitted a report of its findings to the Commission on 15 July 2002 and the Commission immediately communicated these findings to the Parties.

12. The Team's findings included the following:

- As to Badme, there was no observable sign of recent population settlement or evidence of makeshift housing such as tents.
- As to Dembe Gedamu, there was no evidence of civilian settlement at the village of that name, which appeared to be abandoned. However, on maps submitted by both Parties, "Dembe Gedamu" appears as the name of an area as well, within which the Team did find evidence of a recent tent settlement housing some 90 persons, at a place called "Dembe Mengul". Dembe Mengul is located 0.4 km to the west of the delimitation line established by the Commission's Decision of 13 April 2002. The one inhabitant whom the Team was able to interview claimed to be a displaced person who had recently returned to his home there. He stated that he had received assistance from the Government in the form of tents, seeds and money. Aerial photography established that this location was settled after 13 April 2002.
- As to Hadish Adi, there is evidence of a recent settlement consisting of fresh tents which appear to house some 100 persons. Hadish Adi is 3.5 km to the east of the delimitation line established by the Commission's Decision of 13 April 2002.
- As to Dembe Bengul, the Team was unable to identify a place of that name at the location indicated on the maps submitted by the Parties.

13. At a hearing held in The Hague on 16 July 2002, the Parties addressed the findings of the Team and presented oral arguments on the questions raised by Eritrea's Request of 7 June 2002.

14. During the hearing on 16 July 2002, the Parties did not contradict the findings of the Team.

15. At the end of the oral hearings, the Parties made the following final submissions:

**For Eritrea —**

"1) that Ethiopia cease its illegal program of transfer of Ethiopian civilians into Eritrean territory and otherwise bring its conduct into compliance with the delimitation Decision of 13 April 2002;

2) that all land grants purported to have been made by Ethiopia throughout its military occupation of Eritrean territory are declared void and of no effect; and

3) that Ethiopia immediately remove all Ethiopian settlers installed in Eritrean territory since the announcement of the 13 April delimitation Decision".

**For Ethiopia —**

"that the Commission should reject Eritrea's request for interim measures."

16. The Commission finds that there is no evidence of new settlement in Badme and Dembe Gedamu. There is evidence of new settlers at Hadish Adi, but that location is within Ethiopia. The only location in Eritrean territory at which there is evidence of new settlement is Dembe Mengul.

17. The Commission has received no evidence of any land grants made by Ethiopia as referred to in Eritrea's Memorandum.

18. The Commission finds it appropriate to observe that it would not be in accordance with the obligations of the Parties for either of them to take, or permit to be taken, any actions that prejudice, or might prejudice, the fulfilment of the Commission's Decision of 13 April 2002. By a letter addressed to both Parties on 21 June 2002, the Commission has already reminded them that it would not be in accordance with the obligations of either of them to take, or permit to be taken, any actions that prejudice, or might prejudice, the fulfilment of the Commission's Decision of 13 April 2002. It followed that both Parties should assist the Commission in the performance of its task and that neither Party should do anything to prevent or hinder the demarcation process or act in a manner contrary to the rights of the other. The Commission was also mindful of the duty of the Parties to do nothing that would aggravate the dispute. Neither Party should do anything to prevent or hinder the demarcation process or act in a manner contrary to the rights of the other, or otherwise aggravate the dispute.

**ACCORDINGLY, THE COMMISSION,**

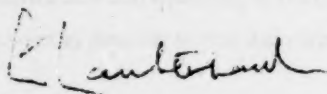
in the exercise of its powers under Articles 20 and 27 of its Rules of Procedure,

**DECIDES THAT**

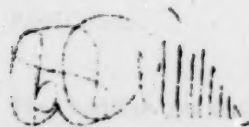
- A. Eritrea's Request for the Commission to prescribe interim measures under Article 20 of the Rules of Procedure is rejected;
- B. Any Ethiopian government-sponsored resettlement of Ethiopian nationals in Dembe Mengul after 13 April 2002 should not have taken place;
- C. Ethiopia shall:
  - (i) forthwith arrange for the return to Ethiopian territory of those persons in Dembe Mengul who have gone there from Ethiopia pursuant to an Ethiopian resettlement program since 13 April 2002; and
  - (ii) report to the Commission on the implementation of sub-paragraph (i) above no later than 30 September 2002.
- D. Each Party shall ensure that no further population resettlement takes place across the delimitation line established by the Decision of 13 April 2002.

The Hague, 17 July 2002

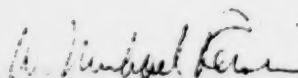
Signed by the Commission:



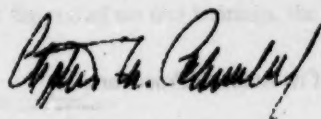
Professor Sir Elihu Lauterpacht, President



Prince Bola Adesumbo Ajibola



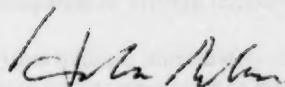
Professor W. Michael Reisman



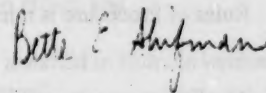
Judge Stephen M. Schwebel



Sir Arthur Watts



Dr. Hiroshi Murakami, Secretary



Bette E. Shifman, Registrar

## Enclosure 2

**ERITREA - ETHIOPIA BOUNDARY COMMISSION****ORDER PURSUANT TO ARTICLE 27 (1) OF THE COMMISSION'S  
RULES OF PROCEDURE****WHEREAS,**

The Commission adopted on 13 April 2002 its Decision Regarding Delimitation of the Border between the State of Eritrea and the Federal Democratic Republic of Ethiopia;

The border as so delimited by the Commission needs to be demarcated, to which end the Commission adopted on 8 July 2002 certain Demarcation Directions;

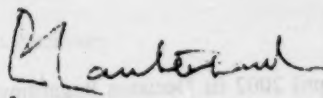
It is a matter of urgency that the demarcation be accomplished expeditiously;

**THE COMMISSION NOW DECIDES**, in the exercise of its powers under Article 27 (1) of its Rules of Procedure, to issue the following **ORDER**:

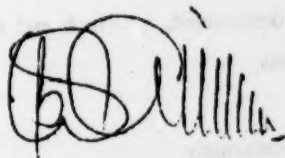
1. A Field Office of the Commission shall be established at Adigrat.
2. Work in Adigrat, for the construction and equipping of the premises for the use of the Field Office, shall commence as soon as possible so that that office shall begin its work no later than 31 July 2002.
3. The Chief Surveyor or the Assistant Chief Surveyor shall oversee the establishment of the Field Office.
4. The Chief Surveyor shall ensure that the Field Office is staffed so as to be able to carry out its tasks as he deems appropriate, which shall, in the first instance, include resumption of the surveying of Ground Control Points and the emplacement and survey of secondary datum markers.

5. The Parties shall co-operate immediately with the Commission and its representatives in every aspect of the demarcation process and, to that end, shall provide all necessary assistance to the Commission and its representatives. The Parties shall refrain from hindering or impeding in any way the Commission or its representatives in the performance of their tasks in the fulfilment of the December 2000 Agreement, and in the implementation of the Decision of 13 April 2002 and the Demarcation Directions.

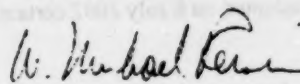
Signed at The Hague, 17 July 2002:



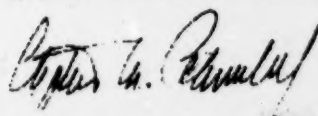
Sir Elihu Lauterpacht, CBE, QC, President



Prince Bola Ajibola, SAN, KBE, CFR



Prof. W. Michael Reisman



Judge Stephen Schwebel



Sir Arthur Watts, KCMG, QC



Dr. Hiroshi Murakami, Secretary



Bette E. Shifman, Registrar





**General Assembly  
Security Council**

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**General Assembly  
Fifty-seventh session  
Item 162 of the provisional agenda\*  
Measures to eliminate international terrorism**

**Security Council  
Fifty-seventh year**

**Letter dated 31 July 2002 from the Chargé d'affaires a.i.  
of the Permanent Mission of the Russian Federation to the  
United Nations addressed to the Secretary-General**

I have the honour to transmit to you herewith the text of the statement by the Russian Federation Ministry of Foreign Affairs of 31 July 2002 in connection with the sudden exacerbation of the situation in the area of the Russian-Georgian border and attempts by international terrorists to effect an armed breakthrough into the territory of the Russian Federation (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under item 162 of the provisional agenda of the fifty-seventh session, and also of the Security Council.

*(Signed)* Gennady M. Gatilov  
Permanent Representative a.i.

\* A/57/150.



## **Annex**

### **Statement by the Russian Federation Ministry of Foreign Affairs**

The situation in the area of the Russian-Georgian border has suddenly become exacerbated in recent days. From their bases located in Georgia's Pankisi Gorge, Chechen fighters and international terrorists have made armed attempts to penetrate the territory of the Russian Federation.

These events provide persuasive confirmation of the fact that Tbilisi's policy of appeasing the terrorists and attempting to part with them "in a friendly manner" is resulting in a new wave of terror, loss of human life and serious destabilization in the Caucasus and in Georgia itself.

It should be pointed out that the Georgian authorities, who have repeatedly assured the world community of their readiness to restore by themselves order in the Pankisi Gorge, have once again acknowledged their unwillingness to take practical measures to halt terrorism. To all appearances, they are unable and really do not wish to do that there. At the same time, Tbilisi is avoiding practical cooperation with the Russian Federation in conducting an anti-terrorist operation, and Georgia's foreign policy department is clumsily attempting to cast a smokescreen over the events on the border, having accused the Russian Federation of aggressive acts against Georgia.

Such a position on the part of Tbilisi obviously runs counter to Georgia's obligations under United Nations Security Council anti-terrorist resolution 1373 (2001). This resolution, adopted under Chapter VII of the Charter of the United Nations, which deals with action to restore international peace and security provides, in particular, for mandatory measures for all States to prevent and suppress terrorist activities in their territory. We assume that this decision will, finally, be properly implemented by Georgia as well.

Moscow considers that the Georgian authorities are obliged to take effective measures to destroy the terrorist bases in the Pankisi Gorge. The responsibility for the consequences of the armed incursion by bandits into the territory of the Russian Federation lies fully with the Georgian side.

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